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ATTORNEYS AT LAW

September 27, 2023

Filed via CM-ECF

Judge Daniel M. Traynor
200 East Rosser Avenue, Suite 411
P.O. Box 670
Bismarck, ND 58502-0670

**Re: Sophia Wilansky v. Morton County et al.,
Civil Case No: 1:18-CV-00236**

Dear Judge Traynor:

This firm represents the County Defendants in the above-referenced action, namely Morton County, Morton County Sheriff Kyle Kirchmeier, and Morton County Deputy Jonathan R. Moll. *County Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint* (doc. 270) is currently pending before the Court. I am writing to correct misstatements of holdings of cases cited in *Memorandum of Law in Support of County Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint* (doc. 271). Specifically, on page 27 of the brief, parentheticals to *Quraishi v. St. Charles County, Missouri*, 986 F.3d 831, 839-40 (8th Cir. 2021) and *Black Lives Matter D.C. v. Trump*, 544 F.Supp.3d 15, 48-49 (D.C. 2021) assert that the courts in those cases "determined" the use of tear gas to disperse a crowd (*Quraishi*) and flashbang grenades, rubber bullets and tear gas to disperse a crowd (*Black Lives Matter*) did not constitute a seizure under the Fourth Amendment because such force was not used to restrain or seize them in place. That is incorrect. Instead, the courts in each of those cases questioned whether the use of such force to disperse rather than restrain constituted a seizure under the Fourth Amendment, and determined the officers involved were entitled to qualified immunity as the law was not clearly established as of August of 2014 (*Quraishi*) and June of 2020 (*Black Lives Matter*) that such force applied to disperse rather than restrain constituted a seizure under the Fourth Amendment.

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I apologize for the error.

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Very truly yours,

/s/ Shawn A. Grinolds

Shawn A. Grinolds

SG

Traynor.2

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